

ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE DEPARTMENT OF WATER AND SEWERS OF THE CITY OF HIALEAH, FLORIDA, FOR THE FISCAL YEAR 2007-2008 COMMENCING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008, IN THE TOTAL AMOUNT OF \$64,002,464; APPROVING WATER AND SEWER RATE INCREASES TO HELP OFFSET WHOLESALE WATER AND SEWER RATE INCREASES TO BE IMPOSED BY MIAMI-DADE COUNTY EFFECTIVE OCTOBER 1, 2007, IN CONJUNCTION WITH A CONSUMER PRICE INDEX (CPI) INCREASE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTY FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, effective October 1, 2007, the Board of Miami-County Commissioners will not adopt an increase in the wholesale wastewater or sewer rates, retaining the rates at \$1.52 per 1,000 gallons from November 1 through April 30 (dry season) and \$1.95 per 1,000 gallons from May 1 through October 31 (wet season); and no adjustment of the monthly base fee; although an increase in the water rates will be determined at the completion of a rate study; and

WHEREAS, Miami-Dade County reserves the right to increase rates based on the conclusions and recommendations of a rate study to be completed in December 2007; and

WHEREAS, the City finds that it is in the best interest to recoup and help defray the increases that the City will continue to pay Miami-Dade County for the purchase of its water and the disposal of its wastewater; and

WHEREAS, the Department of Water and Sewers is required by bond ordinances and loan agreements to maintain ratios of operating income to operating expenses.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The budget of the Department of Water and Sewers of the City of Hialeah, as attached hereto and made a part hereof, in the total amount of \$64,002,464, for the fiscal year 2007-2008 commencing on October 1, 2007 and ending September 30, 2008, is hereby approved and adopted.

Section 2: The City of Hialeah, Florida hereby approves a water rate increase to help offset wholesale rate increases to be imposed by Miami-Dade County by action of the Board of County Commissioners, in conjunction with a Consumer Price Index (CPI) increase established by resolution.

Section 3: The City of Hialeah, Florida hereby approves the same sewer rates as the existing rates, except as increased by the Consumer Price Index (CPI) established by resolution.

Section 4: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: Penalties.

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

Section 6: Severability Clause.

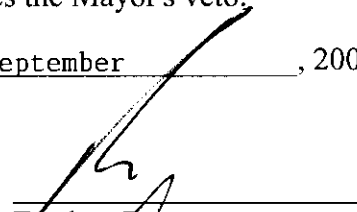
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 7: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 24th day of September, 2007.

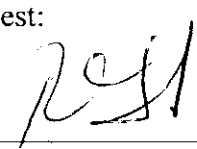
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



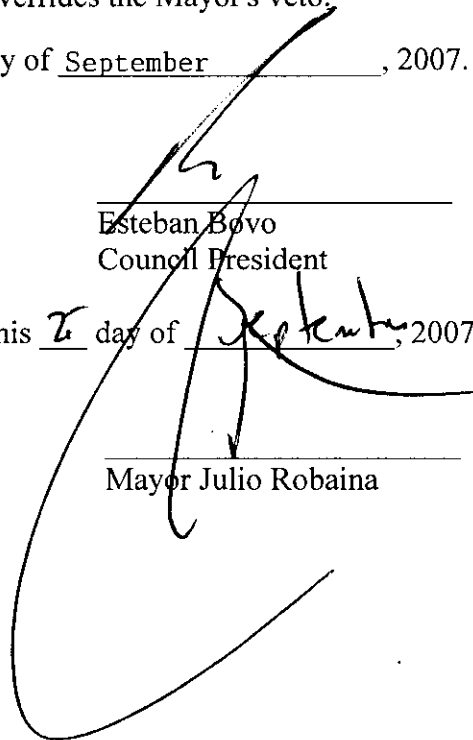
Esteban Bovo
Council President

Attest:

Approved on this 6 day of September, 2007.

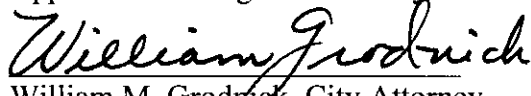


Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to legal sufficiency and form:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".